

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRENDAN BERNICKER,

Plaintiff,

v.

NATIONAL SECURITY AGENCY,

Defendant.

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CIVIL ACTION NO. 18-1243

**THIRD JOINT STATUS REPORT**

After further consultation with the plaintiff, Brendan Bernicker, defendant, the National Security Agency (“NSA”), submits this status report, in accordance with the parties’ stipulated order, approved on June 27, 2018.

On December 18, 2018, the parties participated in a teleconference, during which the NSA informed plaintiff that the search for and identification of records responsive to his FOIA request had been completed. The parties conferred regarding the next steps in the process, which includes the deduplication of the records, the review of the records for information the NSA considers protected from disclosure, and the segregation and redaction of that information where possible. The NSA further explained that, where possible, it would produce documents to plaintiff on a rolling basis.

The parties conferred again on February 14, 2019, at which time the NSA explained the progress it had made thus far processing the records. The agency explained that it anticipated releasing some records the following week, and would continue, where possible, to produce documents to plaintiff on a rolling basis.

On March 28, 2019, the parties participated in a teleconference, during which the NSA informed the plaintiff that the agency expected to produce a second set of documents during the week of April 1. The NSA told plaintiff that it was also reviewing the final set of documents, and that the agency expected to make the final production by the end of April.

As the agency continues its review and processing of records, the parties ask that the stipulation approved and entered on June 27, 2018, which provides that the NSA's deadline to respond to the Complaint is held in abeyance until further Order of the Court, remain in effect. The parties will confer again regarding the status of this matter on or before April 30, 2019, and will thereafter provide an update to the Court regarding whether further action is needed in this matter, or whether it may be dismissed.

Respectfully submitted,

WILLIAM M. McSWAIN  
United States Attorney

/s/ Stacey L. B. Smith  
Stacey L. B. Smith  
Assistant United States Attorney  
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Philadelphia, PA 19106  
*Counsel for the NSA*

Dated: 4/2/2019

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused a true and correct copy of the foregoing Joint Status Report, which was filed electronically and is available for viewing and downloading from the court's ECF system, to be served by first class mail and/or ECF notification upon the following:

Brendan Bernicker  
107 Hillside Circle  
Villanova, PA 19085  
*Plaintiff, pro se*

/s/ Stacey L. B. Smith  
Stacey L. B. Smith  
Assistant United States Attorney

DATED: 4/2/2019